

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/644,876	KUO, PARKSON	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tam Nguyen	3764	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview on July 22, 2004.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☒ The drawings filed on 21 August 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                       |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.  |

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Berdo on July 22, 2004.

1. The application has been amended as follows:

Claim 1, line 2, delete "a belt type treadmill" and insert --a frame; a belt type treadmill, having an endless belt, attached to the frame;--

Claim 1, line 4, delete "treadmill," and insert --treadmill and attached to the frame,--

Claim 1, line 14, delete "device." and insert --device whereby a user steps directly upon said treadmill belt and/or treadmill steps during exercise.--

Claim 6, line 2, delete "a belt type treadmill" and insert --a frame; a belt type treadmill, having an endless belt, attached to the frame;--

Claim 6, line 4, delete "treadmill," and insert --treadmill and attached to the frame,--

Claim 6, line 16, delete "stimulation." and insert --stimulation whereby a user steps directly upon said treadmill belt and/or treadmill steps during exercise.--

Claim 9, line 2, delete "a belt type treadmill" and insert --a frame; a belt type treadmill, having an endless belt, attached to the frame;--

Art Unit: 3764

Claim 9, line 4, delete "treadmill," and insert --treadmill and attached to the frame,--

Claim 6, line 16, delete "panel." and insert --panel whereby a user steps directly upon said treadmill belt and/or treadmill steps during exercise.--

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

2. In view of the amendments and after further consideration of the invention, the claims as presented avoid the prior art of record. The prior art does not disclose an exercise device that comprises a frame, a belt type treadmill having an endless belt attached to the frame, a wheel type treadmill having steps also attached to the frame adjacent to the belt type treadmill and a transmission system that coupled the treadmills to each other wherein a user would step directly onto the belt or the steps during exercise.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cares '475 discloses an exercise device having two treadmills disposed adjacent to each other on a single frame (see Fig. 1).

Art Unit: 3764

Hwang '024 discloses an exercise device having a tread that allows for both stair climbing and walking on a flat surface (see Figs. 1 & 2).

Montero '108 discloses a wheel type treadmill apparatus (see Fig. 1).

Densmore '947 discloses an exercise device that provides both treadmill and stair climbing exercises at different times.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is 703-305-0784. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Lucchese can be reached on 703-308-2698. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 23, 2004

\*\*\*

  
STEPHEN R. CROW  
PRIMARY EXAMINER  
ART UNIT 332